

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

CHARLES H. SCHMIDT, JR.,  
et al.,

Plaintiffs,

v.

Civil Action No. 3:22cv404

CITY OF RICHMOND,  
et al.,

Defendants.

ORDER

Having reviewed DEFENDANT CITY OF RICHMOND'S MOTION TO SEVER (ECF No. 222), the supporting, opposing, and reply memoranda (ECF Nos. 223, 224, and 227), and the DEFENDANT'S PROPOSED ORDER OF PROCEEDING OF CLAIMS AT TRIAL (ECF No. 228) and the PLAINTIFFS' PROPOSED ORDER OF PROCEEDING OF CLAIMS AT TRIAL (ECF No. 229), it is hereby ORDERED that, by 10:00 AM on March 10, 2023, the parties shall file Statements of Position wherein (1) they assume<sup>1</sup> that some sort of severance has been found to be appropriate and that some grouping of cases has been found to be appropriate; and (2) in perspective of: (a) the status of the plaintiffs (as actual members of the press or as members of the public) and (b) the facts pertaining to the particular plaintiff's claim and the particular public conduct involved, which of plaintiffs' cases could be

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<sup>1</sup> No decision on these issues has been made.

grouped for trial and the criteria for such proposed groupings. By 5:00 PM on March 14, 2023, the parties shall file Reply Statements of Position.

It is so ORDERED.

\_\_\_\_\_/s/ REP  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: March 6, 2023